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Attorneys for Plaintiffs and Counterclaim-Defendants
ASUSTeK Computer, Inc. and ASUS Computer International

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

ASUSTEK COMPUTER, INC., ASUS
COMPUTER INTERNATIONAL,

Plaintiffs/Counter-Defendants,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counter-Plaintiff.

Case No. C08-CV-1168-MMC

**AMENDED [PROPOSED] ORDER RE
SCHEDULING PRETRIAL AND TRIAL
DATES**

As ordered during the Court's June 6, 2008 Case Management Conference,
Plaintiffs/Counterclaim-Defendants ASUSTeK Computer, Inc. and ASUS Computer International
(collectively "Plaintiffs" or "ASUS") submit their amended schedule and proposed order and
request that the Court adopt it as the Scheduling Order for this case.

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“Defendant” or “IBM”) has reviewed the present proposed schedule and proposed order. IBM proposed an alternative schedule to the one ordered by this Court on June 6, 2008, but otherwise identified no scheduling conflicts with the schedule outlined below. ASUS understands that IBM may respond to this Amended Schedule, essentially seeking reconsideration of the Court’s June 6, 2008 ruling.

AMENDED SCHEDULE

- | | | |
|----|--|-----------------------------|
| a. | Case Management Conference | Jun. 6, 2008
10:30 a.m. |
| b. | Disclosure of Asserted Claims and Preliminary Infringement Contentions | Jun. 20, 2008 |
| c. | Preliminary Invalidity Contentions | Aug. 4, 2008 |
| d. | Designate Claim Construction Experts | Jan. 28, 2009 |
| e. | Exchange of Proposed Terms and Claim Elements for Construction | Jan. 28, 2009 |
| f. | Exchange of Preliminary Claim Constructions and Extrinsic Evidence | Feb. 17, 2009 |
| g. | Status Conference | Feb. 27, 2009
10:30 a.m. |
| h. | Joint Claim Construction and Pre-hearing Statement | Mar. 16, 2009 |
| i. | Completion of Claim Construction Discovery | Apr. 15, 2009 |
| j. | Plaintiffs’ Opening Claim Construction Brief | Apr. 30, 2009 |
| k. | Defendant’s Responsive Claim Construction Brief | May 14, 2009 |
| l. | Plaintiffs’ Reply Claim Construction Brief | May 25, 2009 |
| m. | Claim Construction Pre-hearing Conference | Jun. 9, 2009 |
| n. | Claim Construction Hearing | Jun. 12, 2009 |

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|----|-----|--|---------------|
| 1 | o. | Claim Construction Ruling (Estimated to allow for subsequent dates to be provided) | Sept. 9, 2009 |
| 2 | | | |
| 3 | p. | Last Day to Amend Pleadings | Oct. 9, 2009 |
| 4 | q. | Final Infringement Contentions | Oct. 9, 2009 |
| 5 | r. | Final Invalidity Contentions | Oct. 29, 2009 |
| 6 | s. | Opinion of Counsel as Defense to Willfulness | Oct. 29, 2009 |
| 7 | t. | Designate Technical Experts | Dec. 1, 2009 |
| 8 | u. | Deadline to Complete Fact Discovery | Jan. 8, 2010 |
| 9 | v. | Deadline for party with the burden of proof to submit expert reports | Jan. 25, 2010 |
| 10 | | | |
| 11 | w. | Deadline for parties to submit responsive expert reports | Feb. 22, 2010 |
| 12 | x. | Deadline to complete expert discovery | Mar. 17, 2010 |
| 13 | y. | Deadline for parties to file dispositive motions | Apr. 8, 2010 |
| 14 | z. | Hearing on Final Dispositive and <i>Daubert</i> Motions ¹ | Apr. 28, 2010 |
| 15 | aa. | Joint Pretrial Conference Statement and Proposed Order | Jul. 20, 2010 |
| 16 | bb. | File Motions in Limine | Jul. 20, 2010 |
| 17 | cc. | Provide Copies of Exhibits to Other Parties and Stipulation re Admissibility of Exhibits for Presentation at Pretrial Conference | Jul. 20, 2010 |
| 18 | | | |
| 19 | dd. | File Joint Set of Agreed Upon Jury Instructions and Individual Sets of Instructions not Agreed Upon and Objections | Jul. 20, 2010 |
| 20 | | | |
| 21 | ee. | File Joint Preliminary Statement and/or Preliminary Instructions (for the jury) | Jul. 27, 2010 |
| 22 | ff. | File Opposition to Motions in Limine | Jul. 27, 2010 |
| 23 | gg. | File List of Exhibits with Stipulations and Objections | Aug. 2, 2010 |
| 24 | hh. | File list of Objections to Other Evidence | Aug. 2, 2010 |
| 25 | ii. | File Proposed Jury Voir Dire and Proposed Form of Verdict | Aug. 2, 2010 |
| 26 | jj. | Pretrial Conference | Aug. 3, 2010 |
| 27 | | | |
| 28 | | | |

¹ This schedule assumes final dispositive motion rulings within sixty (60) days after the hearing.
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AMENDED [PROPOSED] ORDER RE
SCHEDULING PRETRIAL AND TRIAL DATES

1	kk. Pretrial Disclosures	Sept. 3, 2010
2	ll. Objections to Pretrial Disclosures	Sept. 17, 2010
3	mm. Provide Exhibits to Court	Oct. 4, 2010
4	nn. Trial	Oct. 4, 2010

5
6 ASUS and IBM reserve their right to request that the schedule be amended due to changes
7 occurring in the course of the case.
8

9 Dated: June 18, 2008

/s/ John P. Schnurer

Attorney for Plaintiffs ASUSTeK Computer, Inc. and
ASUS Computer International

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13 **AMENDED SCHEDULING ORDER**

14 The Amended Order Re Scheduling Pretrial and Trial Dates is hereby adopted by the Court
15 as the Scheduling Order for the case and the parties are ordered to comply with this Order.
16

17 Dated: _____

The Honorable Maxine M. Chesney
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 18, 2008 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Fed. R. Civ. P. 5(b)(3). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

Dated: June 18, 2008

Respectfully submitted,

By: /s/ John P. Schnurer

Attorneys for ASUSTeK Computer, Inc. and
ASUS Computer International